

Application Number: 09/917,012

Docket Number: 10007344-1

REMARKS

Upon entry of this Response, claims 1-24 remain pending in the present patent application. Applicant requests reconsideration of the pending claims in view of the following remarks.

In item 8 of the Office Action, claims 4-6, 9-12, 14-18, and 20-24 are rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully asserts that one skilled in the art, upon reading the instant specification, is enabled to practice the inventions set forth in claims 4-6, 9-12, 14-18, and 20-24. Applicant asserts that while the elements of these claims recite subject matter that is both novel and non-obvious, to the extent that details are not disclosed, one skilled in the art may implement the elements using various techniques that are known in the art in view of the teachings of the present specification. The present disclosure includes discussion of a graphical user interface and specific flow charts that delineate the operation of the invention in a manner that enables the present invention as set forth in these claims. Accordingly, Applicant requests that the rejection of claims 4-6, 9-12, 14-18, and 20-24 be withdrawn.

In item 10 of the Office Action, claims 1-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 6,256,650 issued to Cedar et al. (hereafter "Cedar") in view of U.S. Patent 5,918,238 issued to Hayashi, (hereafter "Hayashi"). A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP §2143.03, In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993). For the reasons that follow, Applicant once again requests that the rejection of claims 1-12 be withdrawn.

To begin, claim 1 provides as follows:

1. A method for indicating a measure of a text fill copy fitting, comprising:
 - detecting a change in a text fill inputted into a text fill box in a computer system;
 - measuring a length of the text fill;
 - performing a comparison between the length of the text fill with at least one predetermined length threshold; and
 - indicating a compatibility of the text fill with an associated text portion of a document based on the comparison, the associated text portion incorporating the text fill.

Application Number: 09/917,012

Docket Number: 10007344-1

With respect to claim 1, the Office Action states:

"Cedar does not explicitly disclose: indicating a compatibility of the text fill with an associated text portion of a document based on the comparison... Hayashi, though, discloses: indicating a compatibility of the text fill with an associated text portion of a document based on the comparison (col. 6, lines 8-12, discussing the use of color to indicate a condition)." (Office Action, pages 4-5).

Applicant respectfully disagrees. Specifically, at col. 5, line 66 to col. 6, line 14, inclusive of the portion cited above in the Office Action, Hayashi states:

"To the item "condition value", a value provided as a condition is assigned. The value may be a numeric value or a string, and moreover, it can be plural values. If discrete values are shown, a semicolon is inserted between them. If a pair of numeric values represent a range, a comma is inserted between them. For example, line 2 of FIG. 2 indicates that "equal to 1,000 or 2,000" as a condition and line 3 of FIG. 2 indicates "greater than or equal to 500 and less than 800" as a condition.

To the item "character color", based on the condition shown by the pair of a "condition symbol" and a "condition value" in the same row, a color for changing the character color of a cell having a value satisfying the condition is assigned. The color is described as an RGB definition in the color table. If ";" is described as this value, it is indicated that a default value is applied."

Applicant erroneously stated previously that Hayashi teaches that a color is employed to indicate a condition. It must be noted that Hayashi is not a very clear reference and the meaning of various statements can be difficult to discern. Upon closer scrutiny, Applicant asserts that Hayashi does not employ color to indicate a condition at all. Specifically, Hayashi describes altering elements in a document to provide greater emphasis. For example, an element might be a bar in a bar graph or a region of a pie chart, etc. Hayashi describes a system to provide emphasis by changing colors of such elements, etc. (see the Background of the Invention and the Summary of the Invention).

The "condition shown by the pair of a condition symbol and a condition value" is not a condition indicated by a color. Rather, the conditional symbols and condition values in the table are employed to determine when the character color and cell area color are changed from one color to another. The colors themselves do not indicate any particular condition. In this sense, the table of FIG. 2 acts as a lookup table to facilitate changing colors of characters and cell areas defined in an image. If color is used to represent a condition as the Office Action states, *then precisely what is*

Application Number: 09/917,012

Docket Number: 10007344-1

the condition that the various colors represent? The mere display of color in some way does not show or suggest the use of color to indicate anything. Further, claim 1 specifies indicating compatibility of the text fill with an associated text portion of a document. The element of "indicating a compatibility of the text fill with an associated text portion of a document based on the comparison" is not shown or suggested by Hayashi.

Accordingly, Applicant asserts that the cited combination of Cedar and Hayashi fails to show or suggest each of the elements of claim 1. In addition, Applicant asserts that the same combination of references fails to show or suggest each of the elements of claim 7 to the extent that claim 7 incorporates subject matter similar in scope to that of claim 1. Accordingly, Applicant requests once again that the rejection of claims 1 and 7 be withdrawn. In addition, Applicant requests that the rejection of claims 2-6 and 8-12 be withdrawn as depending from claims 1 and 7.

In addition, claim 3 states as follows:

3. The method of claim 1, wherein the step of performing the comparison further comprises:
providing a length threshold in a memory of the computer system, the length threshold marking a length of the text fill above which the text fill can not be recognizably copy fitted to fit within the associated text portion; and
performing the comparison between the length of the text fill and the length threshold.

With respect to claim 3 above, the Office Action states:

"Regarding claim 3, which is dependent upon claim 1, Cedar discloses: wherein the step of performing the comparison further comprises: providing a second length threshold in a memory of the computer system, the second length threshold marking a length of the text fill above which the text fill can not be recognizably copy fitted to fit within the associated text portion; (col. 7 lines 7-24, especially lines 12-13 discussing "100% of the height of the text frame" and col. 5 lines 24-28 regarding character width and the applicability to Cedar)...." (Office Action, page 6).

Applicant respectfully disagrees. Applicant reasserts the fact that, at column 7, lines 7-24 cited above, Cedar specifies an "ideal" height of 95% to 100% for text in a text frame. However, no mention is made of the fact that a height that does not fall within the specified range cannot be recognizably copy fitted within the associated text portion as set forth in claim 3. In this respect, claim 3 specifically states that the length threshold marks the length of the text fill above which the text

Application Number: 09/917,012

Docket Number: 10007344-1

fill cannot be recognizably copy fitted to fit within the associated text portion. In this respect, the ideal range specified in Cedar is of no relevance to whether or not the text fill can or cannot be recognizably copy fitted to fit a particular text portion as claimed.

Nonetheless, in the "Response to Arguments", the Final Office Action states:

"Regarding the pp.13-14 remarks concerning the FAOM rejections of claims 3 and 9 under 35 USC 103(a) as being unpatentable over Cedar in view of Hayashi: The Office respectfully disagrees with Applicant's assertion. Cedar teaches the use of a threshold (95%) and a height in col. 7 lines 12-16, but further indicates that character width may also be used in col. 5 lines 24-28. Additionally, Applicant asserts that because a range is specified that a copy fitting must take place. However, the Office notes that a maximum allowed font size is a range delimiter, implying that if the maximum cannot be attained, then copy fitting does not take place. The Office therefore maintains the FAOM rejections of claims 3 and 9 under 35 USC 103(a) as being unpatentable over Cedar in view of Hayashi." (Office Action, pages 28-29).

This statement does not even address the fact that claim 3 specifies "the length threshold marking a length of the text fill above which the text fill can not be recognizably copy fitted to fit within the associated text portion". In this respect, the length threshold does not mark whether copy fitting is or is not performed. Rather, the length threshold indicates that the text fill cannot be recognizably copy fitted to fit within the associated text portion. In this respect, the Office Action over extends the fair teachings of Cedar.

Accordingly, once again, Applicant respectfully requests that the rejection of claim 3 be withdrawn for these additional reasons. In addition, Applicant requests that the rejection of claim 9 to the extent that it incorporates subject matter similar in scope with that of claim 3.

In addition, claims 13-24 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Cedar in view of U.S. Patent 6,651,217 issued to Kennedy et al. (hereafter "Kennedy") and further in view of Hayashi. A prima facie case of obviousness is established only when the prior art teaches or suggests all of the elements of the claims. MPEP §2143.03, In re Rijckaert, 9 F.3d 1531, 28 U.S.P.Q2d 1955, 1956 (Fed. Cir. 1993). For the reasons that follow, Applicant respectfully requests that the rejection of claims 13-24 be withdrawn.

Applicant notes that claim 13 recites subject matter similar in scope with that of claim 1. Consequently, Applicant requests that the rejection of claim 13 be

Application Number: 09/917,012Docket Number: 10007344-1

withdrawn for the same reasons as discussed with respect to claim 1 above. In addition, Applicant requests that the rejection of claim 19 be withdrawn to the extent that claim 19 incorporates subject matter similar in scope with that of claim 13. Also, Applicant requests that the rejection of claims 14-18 and 20-24 be withdrawn as depending from claims 13 and 19, respectively.

In addition, claim 15 recites as follows:

15. The method of claim 14, wherein the step of generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises the step of generating a first color code that is associated with the text fill, the first color code indicating that the text fill was not copy fitted during the layout operation in the server.

With respect to claim 15, the Office Action states:

"Hayashi, though, discloses: wherein the step of generating the display of the color code on the display device of the client, the color code being associated with the measure of the copy fitting of the text fill further comprises the step of generating a first color code that is associated with the text fill, the first color code indicating that the text fill was not copy fitted during the layout operation in the server. (The first row of Fig. 2 table showing the use of color [especially cell area or background color] to indicate a condition less than a threshold [or condition] value)." (Office Action, pages 17-18).

Applicant respectfully disagrees. Specifically, claim 15 states that a first color code that is associated with the text fill is generated, where the first color code indicates that the text fill is not copy fitted during the layout operation in the server. To the extent that Hayashi is understandable, Applicant asserts that Hayashi fails to show or suggest this element. Specifically, while the items in the first row of the table of FIG. 2 refer to colors of characters and cells, the colors of these items do not indicate anything assuming they are displayed.

Accordingly, for these additional reasons, Applicant asserts that the cited combination of references fails to show or suggest each of the elements of claim 15. Therefore, Applicant respectfully requests that the rejection of claim 15 be withdrawn. In addition, Applicant requests that the rejection of claim 21 be withdrawn to the extent that claim 21 incorporates subject matter similar in scope with that of claim 15.

Application Number: 09/917,012Docket Number: 10007344-1

In addition, with respect to claims 16, 17, and 18, each of these claims indicates a color coding that indicates whether a text fill was recognizably copy fitted during a layout operation in a server, whether the text fill was unrecognizably copy fitted during the layout operation in the server, or indicating a predefined measure of a recognizable copy fitting of the text fill itself. In this respect, the rejection of each of these claims points to Hayashi as teaching that various colors are associated with conditions. However, as described above, colors are not employed by Hayashi to indicate anything. Thus, the specific conditions set forth in claims 16, 17, and 18 are not shown or suggested by Hayashi.

Accordingly, for these additional reasons, Applicant requests that the rejection of claims 16, 17, and 18 be withdrawn. In addition, to the extent that claims 22, 23, and 24 incorporate subject matter similar in scope with that of claims 16, 17, and 18, Applicant request that the rejection of these claims be withdrawn.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,



Michael J. D'Aurelio
Reg. No. 40,977

D'Aurelio & Mathews, LLC
5755 Granger Road, Suite 365
Cleveland, Ohio 44131
Phone: (216) 459-8302
Fax: (216) 459-8301